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REMARK

Applicant respectfully requests reconsideration of this application. Claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40 remain in the application. Claims 1 and 23 have been amended. No claims have been canceled or added.

Rejections under 35 U.S.C. § 103(a)

Applicant's claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40 have been rejected under 103(a) as being obvious over Bimm et al., U.S. Patent No. 6,901,440 in view of Hara et al., U.S. Patent 6,738,812, further in view of McDonagh et al, U.S. Patent No. 6,832,085. Applicant does not admit that Bimm, Hara, or McDonagh is prior art and reserves the right to swear behind either reference at a later date.

With respect to Applicant's amended claim 1, Applicant requires:

> a plurality of element management servers to manage a set of one or more network elements, one of said plurality of element management servers to be designated as the master server, said master server to,
> determine which of said plurality of element management servers to manage each of said set of one or more network elements,
> detect a failure of one or more of said plurality of element management servers, and
> manage the failure by determining which of said non-failed plurality of element management servers are to manage each of said set of one or more network elements; and
> a peered service resident on each of said plurality of element management servers to handle a request from a client, wherein the peered service on one of the element management servers can forward the request to the peered service on another element management server.

Thus, amended claim 1 requires plurality of element management servers with one the servers being designated as a master server. The master server determines which of the plurality of element management servers manage each of a set of one or more

network elements and detects and manages a failure of one or more of the element management servers.

Bimm describes a service activation architecture to provision and activate requested service components in a large scale data network (Bimm, col. 3, lines 20-25). The architecture comprises an order system that receives service activation requests from a service provisioning system (Bimm, Fig. 8, col. 4, lines 21-29). The order system splits the requests into individual service components that are forwarded to one or more domain managers via a peer manager (Bimm, Fig. 8, col. 12, lines 1-9; col. 13, lines 22-25). A domain manager manages the network elements associated with a particular domain of the network through one or more element management systems (Bimm, col. 16, lines 15-20). Thus, Bimm's service activation architecture forwards service components from an order processing system through a peer manager to domain managers in order to provision service components in the network elements. However, Bimm does not disclose one of the element management systems being a master server.

Hara describes a **single ATM switch comprising multiple communication servers** (e.g., LAN over ATM, Multi-Protocol over ATM, or IP over ATM). Hara describes one of the servers being a master server and the other servers being slave servers (Hara, Fig. 1, col. 4 lines 1-7). This is done to lower the load applied to the CPU in the ATM switch upon a network management system accessing a management information base (MIB) of the servers (Hara, col. 1 lines 62 – col. 2 lines 2). The network management system makes a request to the master server (Hara, col. 4, lines 37-45). The master server, in turn, relays these requests to the slave server (Hara, col. 4, lines 46-54). However, Hara does not describe the master server determining which of the element management servers are to manage each of the network elements.

McDonagh describes collecting, processing, analyzing, and employment of real-time call traffic event data in a wireless or radio telecommunications network (McDonagh, col. 4 lines 44-47). Call traffic event data is continuously transferred to an

open processing platform external to the network element level or network level switch for processing in order to better handle real-time critical operations (McDonagh, col. 4 lines 53-60). McDonagh further describes network element managers communicating with a network manager (Fig 4).

Applicant respectfully submits that there is no suggestion to combine Bimm, Hara, and McDonagh as the Office Action proposes. The actual combination of Bimm, Hara, and McDonagh would include the master/slave communication servers of Hara **within** one of the **network elements of Bimm**. Thus, each **network element** of Bimm would include master and slave servers so as to reduce the processing load required upon a element management system accessing management information bases in the network elements when using a SNMP procedure (Hara, Col 1 lines 62 – Col 2 lines 3). The combination does not suggest designating an element management system of Bimm as a master server to determine which of the element management systems manage each of the network elements.

Even if there is a suggestion to combine Bimm, Hara, and McDonagh, the combination does not describe what Applicant is claiming. Applicant's amended claim 1 requires the master server to "determine which of said plurality of element management servers to manage each of said set of network elements, **detect a failure of one or more of said plurality of element management servers**, and manage the failure by **determining which of said non-failed plurality of element management servers are to manage each of said set of network elements**" (amended claim 1). By way of example and not limitation, element management servers may be dynamically inserted or removed from the plurality of element management servers thereby providing scalability and fault tolerance to the network (Spec. para. 0033).

Claim 23

With respect to Applicant's amended claim 23, Applicant requires,

pooling a plurality of element management servers, said plurality of element management servers to manage a set of network elements;
designating a master server from said plurality of element management servers, said master server to,
determine which of said plurality of element management servers to manage each of said set of network elements,
detect a failure of one or more of said plurality of element management servers, and
manage the failure by determining which of said non-failed plurality of element management servers are to manage each of said set of network elements; and
receiving a request from a client, said request to be handled by a peered service resident on each of said plurality of element management servers, wherein the peered service on one of the element management servers can forward the request to the peered service on another element management server.

Bimm describes a service activation architecture to provision and activate requested service components in a large scale data network (Bimm, col. 3, lines 20-25). The architecture comprises an order system that receives service activation requests from a service provisioning system (Bimm, Fig. 8, col. 4, lines 21-29). The order system splits the requests into individual service components that are forwarded to one or more domain managers via a peer manager (Bimm, Fig. 8, col. 12, lines 1-9; col. 13, lines 22-25). A domain manager manages the network elements associated with a particular domain of the network through one or more element management systems (Bimm, col. 16, lines 15-20). Thus, Bimm's service activation architecture forwards service components from an order processing system through a peer manager to domain managers in order to provision service components in the network elements. However, Bimm does not disclose one of the element management systems being a master server.

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McDonagh describes collecting, processing, analyzing, and employment of real-time call traffic event data in a wireless or radio telecommunications network (McDonagh, col. 4 lines 44-47). Call traffic event data is continuously transferred to an open processing platform external to the network element level or network level switch for processing in order to better handle real-time critical operations (McDonagh, col. 4 lines 53-60). McDonagh further describes network element managers communicating with a network manager (Fig 4).

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Even if there is a suggestion to combine Bimm, Hara, and McDonagh, the combination does not describe what Applicant is claiming. Applicant's amended claim 23 requires the master server to "determine which of said plurality of element management servers to manage each of said set of one or more network elements, **detect**

a failure of one or more of said plurality of element management servers, and **manage the failure by determining which of said non-failed plurality of element management servers are to manage each of said set of one or more network elements**" (amended claim 23). By way of example and not limitation, element management servers may be dynamically inserted or removed from the plurality of element management servers thereby providing scalability and fault tolerance to the network (Spec. para. 0033).

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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